

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICHARD MADDUX,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-414 (MN)
)	
DANA METZGER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

At Wilmington this 21st day of June 2022, having considered Plaintiff's motions to have discovery items subpoenaed, letter motion requesting subpoenas, and subpoenas submitted by Plaintiff on June 13, 2022 (D.I. 62, 63);

IT IS HEREBY ORDERED, as follows:

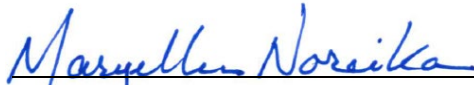
1. Plaintiff Richard Maddux ("Plaintiff") is a *pro se* litigant incarcerated at Sussex Correctional Institution in Georgetown, Delaware. He has been granted leave to proceed *in forma pauperis*. (D.I. 5).

2. On May 25, 2022, Plaintiff filed motions to 1) have discovery items subpoenaed and 2) request issuance of subpoenas. The motions are DENIED without prejudice. (D.I. 62, 63). A federal court has the inherent power to protect any one from oppressive use of process, even if no oppression is actually intended. *Badman v. Stark*, 139 F.R.D. 601, 605 (M.D. Pa. 1991) (citation omitted).

3. Plaintiff seeks issuance of subpoenas from Defendants and non-defendants. The proper method to obtain discovery from a defendant is set forth in the Federal Rules of Civil Procedure. As to non-defendants, Plaintiff must pay the fees required to serve a subpoena. *See* Fed. R. Civ. P. 45. Plaintiff indicates that he will pay the required fees. Before issuance of subpoenas, however, this Court requires verification that Plaintiff has the means to pay the required fees.

4. On June 13, 2022, Plaintiff submitted three subpoenas to the Court for issuance: (1) to Defendant St. Lt. Charles Senate; (2) to non-defendant St. Lt. Dean Blades/ICG Officer for any and all grievances filed by Plaintiff on March 31, 2018 and any decisions related to that grievance in reference to the strip search on camera in B-Annex; and (3) to non-defendant Nicholas D. Picollilli, Jr. for the entire DOC PREA Policy 8.60, 8.60 (A, B), entire DOC Policy 3.3 relating classification and classification appeals. As discussed above, this Court declines to issue subpoenas directed to any Defendant.

5. On or before July 29, 2022 (1) Defendants shall advise this Court whether the documents sought by Plaintiff as described in Paragraph 4 were produced to him through discovery; and (2) Plaintiff shall provide verification that he has the ability to pay the costs associated with issuance of the subpoenas. Plaintiff may renew his request for issuance of subpoenas to non-parties once all parties have complied with Paragraph 5.


The Honorable Maryellen Noreika
United States District Judge